

CITY COUNCIL IS  
DRAWING NEW  
FRANCHISE.

(Continued From Page One.)

the water company and shall receive no pay.

**Where They Disagree.**  
"Sixth, is the section we cannot agree upon."

This section follows:  
"Section 6—The water rates for water furnished consumers other than in the city shall be reduced from time to time so that the International Water company, its successors and assigns shall receive at least 6 percent per annum, and no more, upon the actual value of its plant, property, appliances, appurtenances and things devoted to the supplying of water to the city of El Paso, its inhabitants and consumers thereof, and such rates shall be increased if the reduced rate shall not be sufficient to produce the return aforesaid, but in no event shall the rate ever be above that fixed in section two hereof. If that fixed in section two and the International Water company, its successors and assigns shall fail to agree upon the value aforesaid, it shall be determined by the same methods heretofore provided for in the case of ascertaining the amount to be paid by the city of El Paso in the event of purchase."

It is by no means contemplated by this section that the International Water company, its successors or assigns, shall receive in the way of dividends or otherwise, 6 percent per annum aforesaid, based upon the valuation aforesaid, but out of the said 6 percent per annum shall also be paid all interest upon any sums borrowed by said company, its successors or assigns.

"If anything in this section shall be deemed to be void as contrary to law, then, and in that event the part of it which is so void shall be regarded as if it had never been enacted, and the remainder of this ordinance shall be and remain in full force and effect."

Mayor Sweeney continued: "The section that we disagree upon is relative to the earnings of the company. I believe that they should have a return on their investment, and when it exceeds some definite amount fixed, then the rates should be reduced, but that is a clause which is absolutely essential and necessary. I take the responsibility of this on myself."

"We are not asking capital to come in here and not receive a reasonable return on its investment. That is a fair proposition. While the water company is entitled to a fair return and the citizens to protection, I regret that the water company and myself have failed to agree on that point. It will be turned over to the new mayor and council. I hope the water company will agree. We have a remedy if it goes to a fight. That is by the city refusing to pay for water and applying to the attorney general. I trust it will not come to this, but that you will come to an agreement. If they bring in that \$400,000 they are entitled to a fair return."

**The Company's Side.**  
W. H. Burges, attorney for the water company, in stating objections to section six of the proposed franchise, said: "We object to it because it does not permit us at any time to receive more than 6 percent on our investment, while vendors' lien notes pay 8 percent. Then in addition, we must pay all the interest and pay back all borrowed money out of that 6 percent. Figuring we have to pay interest on \$1,000,000 in bonds which will become necessary to make the proposed changes, we would get back \$54,000; then we have to pay out \$70,000 more and what have we left on our investment?"

**Council Still Busy.**  
The council continued its meeting with the water company representatives Thursday afternoon at 4 o'clock, in an endeavor to reach an understanding on the disputed section.

**Information About Land.**  
Washington, D. C., April 28.—The house today adopted unanimously a resolution offered by representative James Sladen, of Texas, calling on the secretary of war for information concerning the sale or leasing of land in the Philippines.

**Removal Sale—Snyder Jewelry Co.**  
Smith's ice cream made in all flavors. Both phones.

Farmer's Wife  
Has Heap To Do

But When She Is Sick,  
Everything About the  
House Goes to Rack  
and Ruin.

Durham, N. C.—"For four months, I could not stand on my feet, to do anything much," says Mrs. J. M. Shepherd of this city.

I am a farmer's wife and have a heap to do, and since taking Cardui I do most of my work.

You don't know half how much I thank you, for your Cardui Home Treatment. It has done me more good than all the doctors.

I wish all women, who suffer with womanly trouble, would treat themselves with Cardui, as I have.

The herbs, and other vegetable ingredients, used in the manufacture of Cardui, the woman's tonic, have a specific, healing, soothing, building, remedial action on the womanly organs and constitution.

The medicine prevents unnecessary pains, such as headache, backache, side ache, dragging sensations, etc.

It also acts as a general system tonic, for weak, tired, worn-out women, who find their work a daily grind, that sometimes seems unbearable.

Cardui lifts you out of the pains and weariness, caused by female weakness, and helps you to see and feel the bright side of life.

Try Cardui.

Your druggist sells it.  
N. B. White & Sons' Advisory Dept., Chattanooga, Tenn., for Special Instructions, and 64-page book, "Home Treatment for Women," sent in plain wrapper, on request.

LAS CRUCES AND  
MESILLA VALLEYBOOKLET ISSUED ON  
RIO GRANDE DAM  
PROJECTLas Cruces Chamber Takes  
Steps for Advancement  
of Valley.

Las Cruces, April 28.—The board of directors of the Mesilla chamber of commerce held an interesting meeting with the following members present: R. H. Sims, R. L. Young, H. D. Bowman, R. E. McBride, Geo. W. Frenger and M. C. O'Hara. President Galle being absent, vice president Sims presided.

Secretary Coleman reported that he had received 1200 copies of the booklet issued by the reclamation service upon the Rio Grande project. This is a very valuable piece of advertising, giving comprehensive data on the building of the dam and the resources of the lands which will be irrigated by its stored waters. It is the intention to send it out with every answer to inquiries and also to the large mailing list which the secretary has secured.

The board discussed at length the indebtedness of the chamber and the returns from the subscription list from which only \$220 had been realized. This, together with \$150, which has been donated from several bills, made a total payment to apply on the \$664 indebtedness.

A committee of three, composed of N. C. Frenger, N. Galle and R. H. Sims was appointed to go over the finances of the chamber, to audit all bills, and to report the collection of the unpaid subscriptions. It is hoped by the board to have all money subscribed paid on or before May 2 so that all old debts may be wiped out before the next meeting of the full chamber.

The board having been informed that in several places the road between Las Cruces and Mesilla had become so bad that it was almost impassable and feeling the importance of keeping this highway in a good state of repairs, they adopted resolutions to be presented to the board of county commissioners requesting them to confine the expenditure of all the present road fund to the worst part of the road between Las Cruces and the Texas line.

OIL PROSPECTING  
COMPANY FORMED  
AT LAS CRUCES

Has Filed on 1280 Acres  
Near Camp City—Satisfied With Outlook.

Las Cruces, N. M., April 28.—Ten citizens of Las Cruces, comprising W. H. Llewellyn, J. F. Bonham, W. H. Compton, F. H. Davis, F. A. Hawley, A. Armijo, James T. Smith, V. C. Field, P. M. Hays and H. G. Fitzgerald, formed a company to investigate the oil fields of Camp City, and they became so impressed with the outlook that they filed on 1280 acres of the lands, which in their opinion would be in the heart of the oil zone. From the latest reports given in The Herald, they are well satisfied with their action and their faith in the proposition is much strengthened.

The investigating party reports that there are number of experts in the field, some being representatives of the Standard Oil company and the Gulf Refining company, the latter having made several charts of the surrounding country and are waiting developments.

Most of the filings have been made west of Camp City toward the point of the White sands and Mr. Compton advises that the claims he and his associates located, extend from the point of the White sands eastward toward Camp City, the surface indications being very similar to the fields around Beaumont, Texas.

ROBBERS MAY HAVE  
SECURED TREASURE

Enter House at La Mesa,  
Formerly Occupied by  
Hermit and Tear  
Up Floors.

La Mesa, N. M., April 28.—The house of W. W. Crosby was entered by persons who dug up the floor to the depth of several feet in search of buried treasure. The earth showed where a large vessel of some kind had been taken out.

The house, now unoccupied, was formerly the home of Esteban Ramirez, who was supposed to have buried quite a sum of money. It could not be accounted for after his death a few years ago.

The Junior Guild held a call meeting at the home of Miss Hilda Creamer. Bob Roberts of Las Cruces, has been here.

A Betzel has returned to El Paso. Miss Hazel Creamer, who has been in El Paso for medical treatment the past two weeks, is greatly improved.

Mrs. R. C. Reeder is ill.

The West Side Literary society met with Mrs. Abba Linn. Mrs. F. H. White was the leader.

RECEPTION TO  
WELCOME BOERS

Mesilla Valley Residents to  
Show Appreciation of  
Settlers From  
Africa.

Las Cruces, N. M., April 28.—There is a movement on foot to tender a public reception to general Viljoen and all the Boer residents of the Mesilla valley.

By Charles Klein  
and  
Arthur Hornblow

The  
Third Degree

A Narrative Of Metropolitan Life  
Copyright, 1910, by G. W. Dillingham Co.

Illustrations  
By  
Ray Walters

(Continued from Yesterday.)

## SYNOPSIS OF PREVIOUS CHAPTERS.

Howard Jeffries, banker's son, under the evil influence of Robert Underwood, student at Yale, leads a life of dissipation, marries the daughter of a gambler who died in prison, and is disowned by his father. Forced to leave college, he tried to get work and fails. His wife, Annie, is straight as a die, and has a heart of gold. A former college chum makes a business proposition to Howard which requires \$2,000 cash, and Howard is broke. Robert Underwood, who made love to Annie in his college days and was repulsed, and was once engaged to Howard's stepmother, Alicia, is a welcome visitor at the Jeffries home. Underwood has apartments in the Astoria, an exclusive apartment house. Howard recalls a \$250 loan to Underwood that remains unpaid and decides to ask him for the \$2,000 he needs. Mrs. Jeffries, Sr. prepares for a great reception at her home. Mrs. Jeffries, foolishly encourages a dangerous intimacy with Underwood which the latter takes advantage of until he becomes a sort of social highwayman. Discovering his true character, Mrs. Jeffries denies him the house.

## CHAPTER IV.

The richly decorated reception room, brilliantly illuminated with soft incandescent lights artistically arranged behind banks of flowers, were filled with people. In the air was the familiar buzz always present in a room where each person is trying to speak at the same time. On all sides one heard fragments of inept conversation.

"So good of you to come! How well you're looking, my dear."

"My husband? Oh, he's at the club, playing poker, as usual. He hates music."

"I've such a terrible cold!"

"Trouble with servants? I should say so. I bounced my cook this morning."

"Aren't these affairs awfully tiresome?"

"I was so glad to come. I always enjoy your musicales."

"Dr. Bernstein coming? Move perfectly delightful. I'll ask him for his autograph."

"What's psychology?"

"Something to do with religion, I think."

"Haven't we been having dreadful weather?"

"I saw you at the opera."

"Doesn't she look sweet?"

"Oh, I think it's just lovely."

ly in Las Cruces in the near future. Details have not been fully formulated but will probably be a reception at the armory with speaking followed by big ball and banquet, or possibly an old time, old fashioned back home barbecue may be the order. The purpose of the movement is to show the Boers their selection of the Mesilla valley as their home is appreciated by the people of the valley, who wish in this way to extend to them a public welcome to the country and to the valley, and also that all the people might get better acquainted.

It is understood that the committee will be formulated in a few days and that the meeting of whatever kind decided on will probably be in June.

PROSPECTS GOOD  
FOR FRUIT CROP.

Orchards at Las Cruces Heavily Laden  
With Young Fruit—Cold Did  
No Damage.

Las Cruces, N. M., April 28.—The Mesilla valley this year will have one of its banner fruit and vegetable crops, no material loss having been sustained thus far from frost or cold.

The records show that there has been no damaging frost since April 25, so there is no likelihood of any future damage from this source to this year's crop.

The trees of all kinds of fruits are heavily laden with fruit and it will be necessary to pull off from one-fifth to one-third of the fruit now formed to protect the trees and keep them from breaking.

The records of the past few days leave a very large section of the country in a position in this line far different from the showing in the Mesilla valley.

A. & M. COLLEGE NOMINATES  
NEW ATHLETIC DIRECTORS.

Agricultural College, N. M., April 28.—There was a meeting of all the paidup members of the Athletic association in Prof. Lane's room Thursday, for the purpose of nominating officers and managers for the different athletic teams for next year.

Prof. Hadley addressed the Y. M. C. A. meeting at the association building. He was the first president of this institution and is a favorite among the students. There was a good crowd out to hear him and his talk was a very interesting one.

Mr. Dunlap, the Mesilla Park station agent, who has been very sick for the past week, is improving.

GRAY F. DUNLAP, FORMER RAIL-  
WAY MAN, DIES OF HEMORRHAGE.

Las Cruces, N. M., April 28.—Gray F. Dunlap, son of Dr. George W. Dunlap, former pastor of the Presbyterian church of Las Cruces, died at his home in Mesilla Park, Wednesday afternoon, from hemorrhage. Mr. Dunlap was well known in Las Cruces and among railroad circles, having held the position of assistant agent Edwards here for a long while and for the past year has had full charge of the Santa Fe's business at Mesilla Park.

The remains were interred this afternoon in the local cemetery.

LLEWELLYN TO ATTEND  
ROOSEVELT RECEPTION.

Las Cruces, N. M., April 28.—The reception committee appointed by the mayor of New York for the occasion of the return of former president Roosevelt has decided that colonel Llewellyn should have an escort the

People now arrived in quick succession, and forming little groups, the room soon presented an animated scene. The women in their smart gowns and the men in their black coats made a pleasing picture.

"My dear Mrs. Jeffries, how do you do this evening?" exclaimed a rich, deep voice.

The hostess turned to greet an elderly and distinguished-looking man who had just entered. Directly he came in voices were hushed, and on every side one heard the whisper:

"There's Judge Brewster, the famous lawyer."

There was a general craning of necks to catch a glimpse of the eminent jurist whose brilliant address to the jury in a recent cause celebre had saved an innocent man from the electric chair.

Richard Brewster was a fine example of the old school statesman-lawyer of the Henry Clay type. He belonged to that small class of public men who are independent of all coteries, whose only ambition is to serve their country well, who know no other duty than that dictated by their oath and conscience. A brilliant and forceful orator, there was no office in the gift of the nation that might not have been his for the asking, but he had no taste for politics. After serving with honor for some years on the bench he retired into private practice, and thereafter his name became one to conjure with in the law courts. By sheer power of his matchless oratory and unanswerable logic he won case after case for his clients and it is a tribute to his name to record the plain fact that in all his career he never championed a cause of which he need be ashamed. Powerful financial interests had attempted to secure his services by offers of princely retainers, but without success. He fought the trusts bitterly every time he found them oppressing his profession.

Alicia advanced with extended hand. "This is indeed kind, Judge," she exclaimed with a gracious smile. "I hardly dared hope that my poor musical would be so honored."

The old lawyer smiled good-humoredly as he replied gallantly: "I don't know much about music, m'm; I came to see you." Looking

around he added: "You've got a nice place here."

He spoke in his characteristic manner—short, nervous, explosive sentences, which had often terrified his opponents in court.

"Lawyers are such flatterers," laughed Alicia as she nervously fanned herself, and looked around to see if her guests were watching.

"Lawyers only flatter when they want to," interrupted Mr. Jeffries, who had just joined the group.

Alicia turned to greet a new arrival and the lawyer continued chatting with his host.

"I suppose you'll take a rest now, after your splendid victory," said the banker.

Judge Brewster shook his head dubiously.

"No, sir, we lawyers never rest. We can't. No sooner is one case disposed of than another crops up to claim our attention. The trouble with this country is that we have too much law. If I were to be guilty of an epigram I would say that the country has so much law that it is practically lawless."

"So you're preparing another case, eh?" said Mr. Jeffries, interested.

"What is it—a secret?"

"Oh, no!" answered the lawyer, "the newspapers will be full of it in a day or two. We are going to bring suit against the city. It's really a test case that should interest every citizen; a protest against the high-handed actions of the police."

The banker elevated his eyebrows. "Indeed," he exclaimed. "What have the police been doing now?"

The lawyer looked at his client in surprise.

"Why, my dear sir, you must have seen by the papers what's been going on in our city of late. The papers have been full of it. Police brutality, illegal arrests, assaults in station houses, star-chamber methods that would disgrace the middle ages. A state of affairs exists to-day in the city of New York which is inconceivable. Here we are living in a civilized country, every man's liberty is guaranteed by the constitution, yet citizens, as they walk our streets, are in greater peril than the inhabitants of terror-stricken Russia. Take a police officer of Capt. Clinton's type. His only notion of the law is brute force and the night stick. A bully by nature, a man of the coarsest instincts and enormous physical strength, he loves to play the tyrant. In his precinct he poses as a kind of czar and fondly imagines he has the power to administer the law itself. By his brow-beating tactics, intolerable under Anglo-Saxon government, he is turning our police force into a gang of ruffians who have the city terror-stricken. In order to further his political ambitions he stops at nothing. He lets the guilty escape when influence he can't resist is brought to bear, but in order to keep up his record with the department he makes arrests without the slightest justification. To secure convictions he manufactures, with the aid of his detectives, all kinds of perjured evidence. To paraphrase a well-known saying, his motto is: 'Convict—honestly, if you can—but convict.'"

(TO BE CONTINUED)

that they wish the approval of the court, and I will not hesitate to sign my approval.

"After that, the case goes out of the court."

FINAL REPORT OF  
MASTER IS FILED

(Continued from Page One.)

contract reached an agreement. Judge Maxey announced that he would be willing to sign his approval to the finding of the master, after which the case would go out of the court. This means that the receivership of the water company will then be dissolved and the company will begin active preparations to carry out the specifications of the contract with a view of giving El Paso a pure and adequate supply of water.

Judge J. M. Goggin, representing the interveners in the original suit, asked the court for a definition of the minimum charge clause in the original contract, but Judge Maxey held that that was a point to be determined between the city and the water company.

Report at 10 o'clock.

The supplementary report was made at 10 o'clock after a final consultation had been held between the attorneys and the master. The report was then handed to Judge Maxey and attorney W. H. Burges, representing the water company, stated to the court in a brief resume of the report, that the water company was willing to accept the findings of fact in the report and to do everything possible to carry out the recommendations made by the master looking toward supplying the city with a sufficiency of water. City attorney Coldwell, representing the city, also spoke, stating that the city, while it did not wish to take the position that it accepted the report as it stood, was willing to accept the master's report as a basis of agreement between the city and company.

Judge's Decision.

Argument of long hours was also made by the attorneys upon the findings of law as to the jurisdiction of the court in the matter, after which the judge made his decision in the case, stating that in three clauses, which he introduced by saying that he was giving his prima facie impressions of the case predicated upon long experience on the bench and his knowledge of the law.

"I hold first," the judge said, "that it is without the power of the court to change the contract."

"Second, that the court has no power to raise rates. That is not a judicial but a legislative function."

"Third, that the court has power to say whether the rate is or is not unreasonable."

"I understand that the city and company agree to formulate a contract and

ROBINSON IS NOW  
MAYOR OF  
EL PASO.

(Continued From Page One.)

You have met many obstacles and surmounted all. You have been cursed and condemned but with an iron hand you have grasped every situation and you have been successful in all. During the past three years you have done more for the progress of El Paso than all the previous administrations put together."

Mayor Sweeney thanked Mr. Blumenthal and asked alderman Robinson to take the chair and present the resignation. This was done and it was accepted, alderman Clayton saying: "In view of the fact that there does not seem any other way around it, I move that we accept the resignation."

**New Officers Elected.**

Robinson then said: "This resignation creates a vacancy and calls for the election of a mayor."

Alderman Blumenthal said: "I nominate W. F. Robinson, our present acting mayor."

Hewitt seconded the motion and put it to a vote, all voting aye.

Mayor Sweeney walked up to the rostrum, and grasping mayor Robinson by the hand congratulated him.

Robinson then said: "The resignation of the mayor and the election of an alderman to take his place creates a vacancy in the council."

Alderman Clayton nominated Percy McChesney, Blumenthal seconded the motion and it carried.

Alderman Clayton then presented a resolution which was passed, commending mayor Sweeney for the work he had done and proposing that it be engraved and presented to Mrs. Sweeney. This met with favor, all voting aye.

Mayor Robinson then said: "It is now necessary to elect a city clerk."

Alderman Clayton thereupon nominated C. W. Fassett and Blumenthal seconded the motion, which carried and the council adjourned until 4 o'clock Thursday afternoon.

**Sweeney Commended.**

The resolution commending mayor Sweeney was as follows:

"Whereas, by his own will, but to the regret of his fellow citizens, in the middle of his second term and at the very zenith of his usefulness, the Hon. Joseph U. Sweeney has severed his official connection with the city of El Paso, and ended for the present an official career equally productive of public advantage and of private honor, they, who have been his associates, to the measure of their abilities, his assistants, should give expression to the emotions which his retirement has aroused not only in their bosoms, but in that of every citizen who has mind to perceive and soul to appreciate distinguished worth in a servant of the people."

"Therefore, be it resolved by the city council of the city of El Paso, that in our own name and in that of fellow citizens whose representatives we are, we thank him for his inestimable but not unappreciated labors, and assure him that we will know that his achievements are ripened grain, the product of a character formed and fashioned for the service of mankind."

"That his name and fame are imperishably graven on the tablets of our municipal history, and that so long as they shall be preserved for the instruction of our posterity, it will never be forgotten, that under his guidance, El Paso took its position as a city of the land. That city as a whole is a memorial of his services and his growth in the years to come will bear testimony to the magnitude of the labors by which that growth was facilitated and insured."

Passed and approved this 28th day of April, A. D., 1940."

**CHILDREN WHO ARE SICKLY**

Mothers who value their own comfort and the welfare of their children, should never be without a box of Mother Gray's Sweet Powders for Children for use throughout the season. They break up Colds, cure Feverishness, Constipation, Teething Disorders, Headache, and Stomach Troubles. THESE POWDERS NEVER FAIL. Sold by all Drug Stores, 25c. Don't accept any substitute. A trial package will be sent FREE to any mother who will address Allen S. Olmsted, Le Roy, N. Y.

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## INDIGESTION

Cured or Money Back.

Don't worry a minute longer; it's easy to get rid of indigestion nowadays. So if you have gastritis, catarrh of the stomach or simple fermentation of food, cheer up; for druggists now have a prescription called MI-O-NA that cures old stomachs into new ones and sour stomachs into sweet ones in a few days.

There's happy days ahead for you and for your poor old flabby, tired out stomach if you won't be obstinate. Just lay down 50 cents and say "I want a box of MI-O-NA tablets." They are made from the most successful prescriptions for indigestion, catarrh of the stomach and all stomach distress ever known.

Take one or two tablets with or after meals for a few days and then if you don't agree with us that MI-O-NA is a marvelous prescription you can have your money back. We'll leave it to your good sense of fairness whether that's a square deal or not.

MI-O-NA stomach tablets promptly relieve belching, heaviness, pain in stomach, heartburn, sour stomach, foul breath, and coated tongue; for dizziness, nervousness, sick headache, sleeplessness. MI-O-NA is sold by leading druggists everywhere, and by Kelly & Pollard, Mail orders filled by Booth's MI-O-NA, Buffalo, N. Y.

COLQUITT IS  
ANGRY AT PROS

(Continued From Page One.)

the constitution when they were asking for submission. His reference to those who desire submission as being "em-bellishers of constitutional rights" brought forth applause from his admirers.

He accused (one Johnson of advocating the right of woman to the ballot and said he opposed it. Referring to the fact that Campbell beat him four votes to one in this section four years ago, he provoked considerable laughter by saying that the people should not judge him by that.

He said that Pointexter should not condemn Johnson for being a recent convert, for he, Colquitt, was a believer in new converts; that he was making them every day.

He left for Bi-Springs.

The pure milk comes from the El Paso Dairy. Order it.

Chamberlain's Cough Remedy is sold on a guarantee that if you are not satisfied after using two-thirds of a bottle according to directions, your money will be refunded. It is up to you to try. Sold by all dealers.

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